

## **REMARKS/ARGUMENTS**

The rejections presented in the Office Action dated October 19, 2009 (hereinafter Office Action) have been considered. Claims 1, 2, 5-10, 12-14, 17, 19, 22, 33, 34, 36-39, and 42-45 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1, 2, 5-10, 12-14, 17, 19, 22, 33, 34 and 36-39 are rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0132608 by Shinohara (hereinafter “Shinohara”) in view of U.S. Publication No. 2004/0136027 by Zehler et al. (hereinafter “Zehler”) in view of U.S. Publication No. 2002/0114278 by Coussement (hereinafter “Coussement”).

Applicants respectfully traverse the rejections, and submit that the combination of Shinohara, Zehler, and Coussement fails to correspond to the claimed subject matter. However, in order to facilitate prosecution of the application and in a *bona fide* attempt to advance the application to allowance, the Applicants present this response with amendment to clarify particular aspects of the claimed invention. These amendments make more clear what is believed to have been originally set forth in these claims, but now states so more specifically.

For example, independent Claim 1 has been amended to set forth joining a communications device to a universal plug and play network based on the communications device being in proximity to the universal plug and play network. In response to joining the universal plug and play network, a universal plug and play device descriptor is obtained and translated to a user agent profile on a data store accessible via a mobile communications network. Multimedia messaging service data is formatted via the mobile communications network based on the user agent profile and forwarded to the multimedia device via the universal plug and play network to render the multimedia messaging service data. Similar amendments have been made to independent Claims 14, 22, and 33. These amendments are fully supported in the Specification as filed (e.g., paragraphs 0038, 0066, and 0080) and no new matter has been added.

Applicants again respectfully assert that the combination of references does not teach or suggest forming any profile describing multimedia messaging service capabilities based on a universal plug and play device descriptor, and in particular translating a universal plug and play device descriptor to a user agent profile as is now set forth in the claims. Shinohara was only relied upon to teach, e.g., storing a profile on an MMS data store for external terminal 20<sub>1</sub> via mobile telephone 10<sub>1</sub>. However, as is recognized in the Office Action, Shinohara fails to teach or suggest obtaining universal plug and play device descriptors, and thus Zehler is relied upon to cure this deficiency; e.g., to teach determining multimedia capabilities via a universal plug and play Device Description Document/Service Control Protocol Document (DDD/SCD) and forming a user agent profile based on this descriptor.

Zehler teaches retrieving a Device Services Description 28 in an environment specific manner (e.g., UPnP or IPP environment), transforming the description 28 to a service description form usable in the environment common to a client and a host (e.g., a WSDL file in a Web Services environment), and based on this new description creates a new service (e.g., proxy 26 for service 24) in the environment common to the client and host (e.g., Zehler at 0025 and 0027-0029). However, Applicants respectfully disagree that there is a correspondence between a service proxy as taught in Zehler and translating from a UPnP device descriptor to data targeted for a device capabilities database, e.g., a MMS user database server 30 that describes describing information regarding the formats for media types that are to be transmitted to mobile telephones. (Shinohara, 0044).

As seen in FIG. 1 of Zehler, Zehler is clearly directed to a host 12 that generates/creates a proxy service 26 for a client 18 based on an existing service 24 of device 14. In contrast, the present claims do not describe creating or generating a new service or proxy, but are directed to adapting a profile associated with the communication device/apparatus on a mobile communications network based on a translation of a universal plug and play device descriptor.

In another contrast to the present claims, Zehler describes a client 18 searching for the service 26 which may have desired capabilities. (Zehler, 0031). The user agent profile

data described in the claims, however, is not describing a new service (e.g., that is being discovered via a network). The profile data is being accessed to format messaging service data that is sent to the device using an existing capability of that device, e.g., the ability to receive multimedia messaging data via the mobile communications network.

Coussement does not cure these deficiencies, as Coussement was only relied upon, e.g., to teach the use of a particular type of profile data. (Office Action, page 8, lines 8-10). While Applicants understand that Coussement was not relied upon to teach or suggest claim features related to forming/translating profile data as noted in the Office Action, Applicants respectfully disagree that discussing the deficiencies of Coussement in that regards is “mischaracterizing the reference.” Obviousness under §103 requires an objective analysis that determining “the scope and content of the prior art” and “differences between the prior art and the claims at issue.” *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007) (quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966). Thus, the entirety of the Coussement reference, and not just those portions cited in the rejections, is relevant to the issue of patentability because it reflects that scope and content of the prior art as it is being asserted by the Examiner.

Applicants assert that the combination of Shinohara, Zehler, Coussement, when viewed as a whole, fail render the claims obvious at least because there is no teaching or suggestion of the particular combined use of universal plug and play device descriptor and user agent profiles. In particular, Shinohara and Coussement were relied upon to teach aspects related to user agent profiles, yet neither reference teach or suggest how such data may be formed/obtained. Thus there are material structural and functional differences between the combination of references and the claimed subject matter. For example, the combination fails to teach or suggest translating a universal plug and play descriptor obtained from a first device to a user agent profile associated with another device. Even if the asserted combination could be relied to suggest this and other claimed features (of which Applicants disagree), the combination fails to teach or suggest synergies that may be provided by the Applicants claimed invention.

For example, a communications device (e.g., as set forth in Claim 1) can dynamically join a universal plug and play network based on proximity to the network. Devices of the UPnP network (e.g., the multimedia device of Claim 1), may be particularly useful for rendering multimedia service data when proximate to the communication device, because in such a case such rendering devices may be currently accessible (e.g., viewable) by a user of the communication device. Thus the claimed invention takes advantage of the always-on nature of the communication device to receive and store messages in combination with the automatic detection of alternate, possibly better, rendering devices in the user's proximity. To this end, the claimed invention can leverage the availability of existing universal plug and play device descriptors and user agent profiles to seamlessly format data that traverses two different networks, using existing features of those networks.

In contrast, Shinohara recognizes that a mobile telephone's entries in a MMS user database may be extended on behalf of other devices to which the telephone is coupled, but fails to teach or suggest how or why such entries may be determined and/or created for these other devices. Zehler is focused on using UPnP descriptors such as DDD/SCD to create another service descriptor for a proxy. Because of this focus, Zehler does not teach or suggest translating such descriptors to data analogous to user agent profile, e.g., for use in formatting data for an existing device or service. Finally, the Coussement reference is only alleged to describe a particular type of profile data, and as Applicants have pointed out, further fails to teach or suggest any of the uses, features or synergies related to user agent profile data as are discussed above.

Further, the additional rationales set forth on pages 8 and 9 of the Office Action fail to render the claims obvious at least because of the above discussed differences between the claimed subject matter and the cited art. For example, combining the purported "UPnP environment of Zehier[sic] and the CC/PP announcing and registration with Shinohara" would still fail to result in modification of a mobile communications network user agent profile using a translated universal plug and play device descriptor; neither Zehler nor Shinohara describes or recognizes this particular combination of data and/or translation from a UPnP device descriptor to a user agent profile, nor would such a combination be

suggested due to the context of these teachings. For the same reason, simple substitution and/or use of known techniques would not cure these deficiencies of the cited combination of references.

Accordingly, the combination of Shinohara, Zehler, and Coussement fails to render at least independent Claims 1, 14, 22, and 33 obvious, both as previously presented and particularly as amended. Dependent Claims 2, 5-10, 12, 13, 17, 19, 34 depend respectively from Claims 1, 14, and 33. Without acquiescing to the rejection of dependent Claims 2, 5-10, 12, 13, 17, 19, 34 and 36-39 or the reasons therefor, these are also allowable over the combination of Shinohara, Zehler, and Coussement at least for the reasons given above regarding Claims 1, 14, and 33. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” M.P.E.P. §2143.03; citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Finally, Applicants note newly added dependent Claims 42-45. These claims are fully supported in the Specification as filed (e.g., paragraphs 0038 and 0074) and no new matter has been added. These claims are also allowable over the cited combinations of references, at least because of their respective dependence from Claims 1, 14, 22, and 33.

Authorization is given to charge Deposit Account No. 50-3581 (NOKM.095PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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